



Entered on Docket
March 10, 2008

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA Commercial Mortgage Company,
USA Capital Realty Advisors, LLC,
USA Capital Diversified Trust Deed Fund, LLC,
USA Capital First Trust Deed Fund, LLC,¹
USA Securities, LLC,²
Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR¹
Case No. BK-S-06-10729-LBR²

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING SECOND
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM
BASED, IN WHOLE OR IN PART,
UPON INVESTMENT IN THE ONE
POINT STREET, LLC – HFA
NORTH YONKERS LOAN**

Date of Hearing: February 21, 2008
Time of Hearing: 9:30 a.m.

¹ This bankruptcy case was closed on October 12, 2007.

² This bankruptcy case was closed on December 26, 2007.

Pending before the Court is the USACM Liquidating Trust's Second Omnibus Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon Investment in the One Point Street, LLC – HFA North Yonkers Loan (the "Objection") [DE 5687]. Adequate notice of the Objection was given. The Court heard the Objection on February 21, 2008. No responses were filed to the Objection and no opposition was raised at the hearing. Good cause appearing,

IT IS ORDERED:

- Sustaining the Objection;
- Disallowing the Proofs of Claim listed on Exhibit A attached to the extent they are based upon an investment in the One Point Street, LLC – HFA North Yonkers Loan. The Proofs of Claim listed in Exhibit A are not affected by this order to the extent they are based upon an investment in a loan(s) other than the One Point Street, LLC – HFA North Yonkers Loan; and
- Reserving the right of any party in interest, including the USACM Trust, to further object to the Proofs of Claim listed on Exhibit A attached.

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PREPARED AND SUBMITTED:

LEWIS AND ROCA LLP

By: /s/ RC (#0006593)

Susan M. Freeman

Rob Charles

John Hinderaker

Attorneys for USACM Liquidating Trust

CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of approval under LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.
- ☒ No opposition was filed to the motion and no other party or counsel appeared at the hearing.
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who have appeared at the hearing, and any trustee appointed in the case, and each has approved or disapproved the order, or failed to respond, as indicated below:

LEWIS AND ROCA LLP

By: /s/ RC (#0006593)
Susan M. Freeman
Rob Charles
John Hinderaker
Attorneys for USACM Liquidating Trust

HFA – North Yonkers
Multiple Loan Claims

EXHIBIT A
Second Omnibus Objection

Claim	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the HFA - North Yonkers Loan
10725-00212	Melanie Cowan	10794 Grande Palladium Way Boynton Beach, FL 33436	\$100,000.00	\$50,000.00
10725-01919	Cynthia G. Davis Living Trust	c/o Cynthia G. Davis Trustee 2465 Telluride Drive Reno, NV 89511-9155	\$101,493.06	\$50,000.00
10725-02063	James D. and Ann R. Dery	10 Longmeadow Lane Beachwood, OH 44122	\$1,396,673.86	\$50,000.00
10725-00545	Elias Family Trust Dated 5/19/04	c/o Donna M. Elias Successor Trustee 9900 Wilbur May Parkwy, Apt. 502 Reno, NV 89521-4014	\$125,000.00	\$50,000.00
10725-02382	Essaff Family Trust Dated 6/18/02	Robert and Cindy H. Essaff Trustees 2860 Heybourne Road Minden, NV 89423	\$1,599,184.01	\$100,000.00
10725-00801	Freedom Properties Inc.	1820 Star Pine Court Reno, NV 89523-4807	\$450,000.00	\$50,000.00
10725-01541	Graham Family Trust Dated 10/26/78	c/o Robin B. Graham and Celia Allen-Graham Trustees 1460 Twinridge Road Santa Barbara, CA 93111-1223	\$503,808.00	\$37,500.00
10725-01687	Homfeld II LLC	2515 North Atlantic Boulevard Ft. Lauderdale, FL 33305-1911	\$2,861,221.63	\$2,738.55
10725-02296	Jayem Family LP	7 Paradise Valley Court Henderson, NV 89052-6706	\$265,865.00	\$25,000.00
10725-02298	Jayem Family LP Jacques Massa GP	7 Paradise Valley Court Henderson, NV 89052-6706	\$936,807.81	\$100,000.00